

Case Summary

Margaret Paul v. Menard, Inc.

Case Number	49D13-2007-CT-023664
Court	Marion Superior Court, Civil Division 13
Type	CT - Civil Tort
Filed	07/16/2020
Status	07/16/2020 , Pending (active)

Parties to the Case

[Show all party details](#)

DefendantMenard, Inc.

Plaintiff Paul, Margaret

Chronological Case Summary

07/16/2020**Case Opened as a New Filing**

Complaint/Equivalent Pleading Filed

Complaint for Damages

07/17/2020 Filed By:
Paul, Margaret
File Stamp:
07/16/2020

Appearance Filed

Appearance

07/17/2020 For Party:
Paul, Margaret
File Stamp:
07/16/2020

Subpoena/Summons Filed

Summons to Menard, Inc.

07/17/2020 Filed By:
Paul, Margaret
File Stamp:
07/16/2020

08/11/2020**Service Returned Served (E-Filing)**

Exhibit A

Return of Service for Menard, Inc.

Filed By:

Paul, Margaret

File Stamp:

08/11/2020

Appearance Filed

Appearance

08/11/2020 For Party:

Menard, Inc.

File Stamp:

08/11/2020

Motion for Enlargement of Time Filed

[8332777] IN Motion for Extension of Time.pdf

Order .pdf

08/11/2020 Motion for extension of time

Filed By:

Menard, Inc.

File Stamp:

08/11/2020

Order Granting Motion for Enlargement of Time

Judicial Officer:

Stewart, Ian - C

Noticed:

Paul, Margaret

Noticed:

Menard, Inc.

08/12/2020 Noticed:

Olsson, Phillip Dale

Noticed:

Hamilton, Jessica Nicole

Noticed:

Pollie, Leslie B

Order Signed:

08/12/2020

08/13/2020 **Automated Paper Notice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 8/12/2020 : Menard, Inc.

Automated ENotice Issued to Parties

08/13/2020 Order Granting Motion for Enlargement of Time ---- 8/12/2020 : Jessica Nicole Hamilton;Leslie B
Pollie;Phillip Dale Olsson

APPEARANCE FORM (CIVIL)**Initiating Party**

CAUSE NO:	
1. Name of first initiating party	Margaret Paul 8417 Kennesaw Lane Indianapolis, IN 46227
2. Telephone of pro se initiating party	NA
3. Attorney information (as applicable for service of process)	Phillip Olsson #29416-53 Ken Nunn Law Office 104 South Franklin Road Bloomington, IN 47404 PHONE: 812 332-9451 FAX: 812 331-5321 Email: philo@kennunn.com
4. Case type requested	CT (Civil Tort)
5. Will accept FAX service	YES
6. Are there related cases	NO
7. Additional information required by State or Local Rules	
Continuation of Item 1 (Names of initiating parties)	NAME: NAME:
Continuation of Item 3 (Attorney information as applicable for service of process)	

s/Phillip Olsson
Attorney-at-Law
(Attorney information shown above.)

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
) SS:
COUNTY OF MARION) CAUSE NO.

MARGARET PAUL

VS.

MENARD, INC.

COMPLAINT FOR DAMAGES

Comes now the plaintiff, Margaret Paul, by counsel, Ken Nunn Law Office, and for cause of action against the defendant, Menard, Inc., alleges and says:

1. That on or about May 18, 2019, the plaintiff, Margaret Paul, was a customer at the Menard's store located at 7140 South Emerson Avenue in Indianapolis, Marion County, Indiana.

2. That on or about May 18, 2019, the plaintiff, Margaret Paul, slipped and fell on the wet floor near the restroom at said location, causing the plaintiff to suffer serious injuries.

3. That it was the duty of the defendant to use ordinary care and diligence to keep and maintain the said premises in a condition reasonably safe for its intended uses and free from all defects and conditions which would render the premises dangerous and unsafe for plaintiff, or present an unreasonable risk of harm to plaintiff in her lawful use of same.

4. That it was the duty of the defendant to exercise reasonable care to protect plaintiff, by inspection and other affirmative acts, from the danger of reasonably foreseeable injury occurring from reasonably foreseeable use of said premises.

5. That it was the duty of the defendant to have available sufficient personnel and equipment to properly inspect and maintain the aforesaid premises in a condition reasonably safe for plaintiff and free from defects and conditions rendering the premises unsafe.

6. That it was the duty of the defendant to warn plaintiff of the dangerous and unsafe condition existing on said premises.

7. That the defendant knew or should have known of the unreasonable risk of danger to the plaintiff but failed either to discover it or to correct it after discovery.

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8. That the fall and resultant permanent injuries of plaintiff were caused by the negligence of the defendant who failed to utilize reasonable care in the inspection and maintenance of said premises.

9. That the aforesaid acts of negligence on the part of the defendant were the proximate cause of the injuries sustained by the plaintiff.

10. That the plaintiff has incurred medical expenses and other special expenses, and will incur future medical expenses, lost wages and other special expenses, as a direct and proximate result of defendant's negligence.

WHEREFORE, the plaintiff demands judgment against the defendant for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses and other special expenses, for future medical expenses, lost wages and other special expenses, court costs, and all other proper relief in the premises.

KEN NUNN LAW OFFICE

BY: s/ Phillip Olsson
Phillip Olsson, #29416-53
KEN NUNN LAW OFFICE
104 South Franklin Road
Bloomington, IN 47404
Phone: (812) 332-9451
Fax: (812) 331-5321
E-mail: philo@kennunn.com

REQUEST FOR TRIAL BY JURY

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

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KEN NUNN LAW OFFICE

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Phillip Olsson, #29416-53
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Phillip Olsson, #29416-53
Ken Nunn Law Office
104 South Franklin Road
Bloomington, IN 47404
Telephone: 812-332-9451
Fax Number: 812-331-5321
Attorney for Plaintiff

CIRCUIT/SUPERIOR COURTS FOR THE COUNTY OF MARION
STATE OF INDIANA
CITY COUNTY BUILDING, 200 E. WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204
TELEPHONE 317 327-4740

Margaret Paul

Plaintiff(s)

VS.

No. _____

Menard, Inc.

Defendant(s)

SUMMONS

The State of Indiana to Defendant: **Menard, Inc., c/o The Prentice-Hall Corporation System, Inc., 135 North Pennsylvania Street, Suite 1610, Indianapolis, IN 46204**

You have been sued by the person(s) named "plaintiff" in the court stated above.

The nature of the suit against you is stated in the complaint which is attached to this document. It also states the demand which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within Twenty (20) days, commencing the day after you receive this summons, or judgment will be entered against you for what the plaintiff has demanded. You have twenty-three (23) days to answer if this summons was received by mail. **Such Answer Must Be Made In Court.**

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Date: 7/17/2020

Myla A. Eldridge

CLERK, MARION CIRCUIT/SUPERIOR COURTS

PHILLIP OLSSON, #29416-53
ATTORNEY FOR PLAINTIFF
KEN NUNN LAW OFFICE
104 FRANKLIN ROAD
BLOOMINGTON, IN 47404

ACKNOWLEDGMENT OF SERVICE OF SUMMONS

A copy of the above summons and a copy of the complaint attached thereto were received by me at _____
this _____ day of _____, 2020.

SIGNATURE OF DEFENDANT

PRAECIPE: I designate the following mode of service to be used by the Clerk.

- XX By certified or registered mail with return receipt to above address.
- ☐ By Sheriff delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein.
- ☐ By _____ delivering a copy of summons and complaint personally to defendant or by leaving a copy of the summons and complaint at his dwelling house or usual place of abode.
- ☐ By serving his agent as provided by rule, statute or valid agreement, to-wit:

KEN NUNN LAW OFFICE

BY: s/ PHILLIP OLSSON
ATTORNEY FOR PLAINTIFF



CERTIFICATE OF MAILING: I certify that on the ___ day of _____, 2020, I mailed a copy of this summons and a copy of the complaint to each of the defendant(s) by (registered or certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendant(s) at the address(es) furnished by plaintiff.

Dated this ___ day of _____, 2020.

CLERK, MARION CIRCUIT/SUPERIOR COURTS

RETURN OF SERVICE OF SUMMONS BY MAIL: I hereby certify that service of summons with return receipt requested was mailed on the ___ day of _____, 2020, and that a copy of the return of receipt was received by me on the _____ day of _____, 2020, which copy is attached herewith.

CLERK, MARION CIRCUIT/SUPERIOR COURTS

CERTIFICATE OF CLERK OF SUMMONS NOT ACCEPTED BY MAIL: I hereby certify that on the ___ day of _____, 2020, I mailed a copy of this summons and a copy of the complaint to the defendant(s) by (registered or certified) mail, and the same was returned without acceptance this ___ day of _____, 2020, and I did deliver said summons and a copy of the complaint to the Sheriff of MARION County, Indiana.

Dated this ___ day of _____, 2020.

CLERK, MARION CIRCUIT/SUPERIOR COURTS

RETURN OF SUMMONS: This summons came to hand on the ___ day of _____, 2020, and I served the same on the ___ day of _____, 2020.

1. By mailing a copy of the summons and complaint personally to _____ address _____.
2. By delivering a copy of summons and complaint personally to _____.
3. By leaving a copy of the summons and complaint at _____ the dwelling house or usual place of abode of defendant: _____ (Name of Person) and by mailing by first class mail a copy of the summons on the ___ day of _____, 2020 to _____ his last known address.
4. By serving his agent as provided by rule, statute or valid agreement to-wit: _____.
5. Defendant cannot be found in my bailwick and summons was not served.

And I now return this writ this ___ day of _____, 2020.

SHERIFF or DEPUTY

RETURN ON SERVICE OF SUMMONS: I hereby certify that I have served the within summons:

1. By delivery on the ___ day of _____, 2020 a copy of this summons and a copy of the complaint to each of the within named defendant(s) _____.
2. By leaving on the ___ day of _____, 2020 for each of the within named defendant(s) _____, a copy of the summons and a copy of the complaint at the respective dwelling house or usual place of abode with _____ a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served.
3. _____ and by mailing a copy of the summons without the complaint to _____ at _____ the last known address of defendant(s).

All done in MARION County, Indiana.

Fees: \$ _____

SHERIFF or DEPUTY



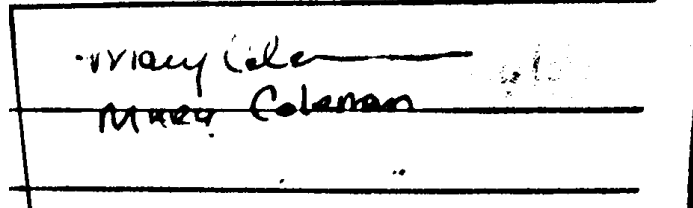
Mailer: Ken Nunn Law Office

Date Produced: 07/27/2020

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8316 8919 81. Our records indicate that this item was delivered on 07/23/2020 at 09:55 a.m. in INDIANAPOLIS, IN 46204. The scanned image of the recipient information is provided below.

Signature of Recipient :

A scanned image of a signature on a white background. The signature is written in black ink and appears to be "Mary Coleman". There are two horizontal lines drawn across the signature, one above and one below the name.

Address of Recipient :

A scanned image of a blank white rectangular area, likely representing the recipient's address. It is framed by a black border.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

MENARD INC C/O THE PRENTICE-HALL CORPORATION SYSTEM INC
135 N PENNSYLVANIA ST STE 1610
INDIANAPOLIS IN 46204-2448

Customer Reference Number: C2171031.12358064

Return Reference Number: Margaret Paul

MAILING DATE: 07/20/2020

DELIVERED DATE: 07/23/2020

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

MENARD INC C/O THE PRENTICE-HALL CORPORATION SYSTEM INC
135 N PENNSYLVANIA ST STE 1610
INDIANAPOLIS IN 46204-2448

MAIL PIECE TRACKING EVENTS:

07/20/2020 11:26	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	BLOOMINGTON,IN 47404
07/21/2020 20:31	ORIGIN ACCEPTANCE	BLOOMINGTON,IN 47404
07/21/2020 21:46	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS,IN 46206
07/22/2020 03:06	PROCESSED THROUGH USPS FACILITY	INDIANAPOLIS,IN 46206
07/23/2020 06:32	ARRIVAL AT UNIT	INDIANAPOLIS,IN 46204
07/23/2020 07:10	OUT FOR DELIVERY	INDIANAPOLIS,IN 46204
07/23/2020 09:55	DELIVERED INDIVIDUAL PICKED UP AT USPS	INDIANAPOLIS,IN 46204

STATE OF INDIANA
COUNTY OF MARION

IN THE MARION SUPERIOR COURT 13

MARGARET PAUL,

Plaintiff,

v.

MENARD, INC.,

Defendant.

CAUSE NO.: 49D13-2007-CT-023664

E-FILING APPEARANCE BY ATTORNEY UNDER TRIAL RULE 3.1

Party Classification: Initiating: _____ Responding: X Intervening: _____

1. The undersigned attorney appears in this case for the following party member:

Menard, Inc.

2. Attorney information for service as required by Trial Rule 5(B)(2):

Jessica N. Hamilton
KOPKA PINKUS DOLIN PC
550 Congressional Boulevard
Suite 310
Carmel, IN 46032

Atty. No. 34268-71
Telephone: (317) 818-1360
Facsimile: (317) 818-1390
Email: jnhamilton@kopkalaw.com

Leslie B. Pollie
KOPKA PINKUS DOLIN PC
550 Congressional Boulevard
Suite 310
Carmel, IN 46032

Atty. No. 25716-49
Telephone: (317) 818-1360
Facsimile: (317) 818-1390
Email: lbpollie@kopkalaw.com

IMPORTANT: Each attorney specified on this Appearance:

- (a) certified that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email addresses specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and

- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).
3. Case Type requested under Administrative Rule 8(b)(3): **CT**
4. I will accept service by fax at the above noted number: **No**
- I will accept service by email at the above noted address: **Yes**
5. This case involves child support issues: **No**
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order: **No**
7. This case involves a petition for involuntary commitment: **No**
8. Are there related cases: **No**
9. Additional information required by local rule: **No**
10. Are there other party members: **No**
11. This form has been served on all other parties and a Certificate of Service is attached.

Respectfully Submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Jessica N. Hamilton
Jessica N. Hamilton (#34268-71)
Attorney for Defendant

KOPKA PINKUS DOLIN PC
550 Congressional Blvd.
Suite 310
Carmel, IN 46032
Tel: (317) 818-1360
Fax: (317) 818-1390
Email: jnhamilton@kopkalaw.com

CERTIFICATE OF SERVICE

I certify that on the 11th day of August 2020, service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein using the Indiana E-Filing System (IEFS) and/or by depositing same in the United States mail in envelopes properly addressed to each of them and with sufficient first-class postage affixed.

/s/ Jessica N. Hamilton

Jessica N. Hamilton

STATE OF INDIANA
COUNTY OF MARION

IN THE MARION SUPERIOR COURT 13

MARGARET PAUL,

Plaintiff,

vs.

CAUSE NO: 49D13-2007-CT-023664

MENARD, INC.,

Defendant.

DEFENDANT'S MOTION FOR EXTENSION OF TIME

COME NOW the Defendant, MENARD, INC., by counsel, Jessica N. Hamilton, of KOPKA PINKUS DOLIN PC, and would respectfully move the Court for an extension of time to respond to the Plaintiff's Complaint, pursuant to Ind. Trial Rule 6(B)(1), and would show the Court:

1. Defendant's Answer is due on or before August 13, 2020.
2. That no prior extensions have been requested.
3. That said extension of time would expire on September 13, 2020.
4. That such extension of time is necessary for Defendant's attorney to properly investigate the allegations in the Plaintiff's Complaint in order to adequately respond to the Plaintiff's Complaint.

WHEREFORE, Defendant would respectfully pray for an extension of time to respond to the Plaintiff's Complaint for Damages, and for all other just and proper relief in the premises.

Respectfully Submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Jessica N. Hamilton

Jessica N. Hamilton (#34268-71)

Attorney for Defendant

KOPKA PINKUS DOLIN PC

550 Congressional Blvd.

Suite 310

Carmel, IN 46032

Tel: (317) 818-1360

Fax: (317) 818-1390

Email: jnhamilton@kopkalaw.com

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been duly served upon all persons listed below, using the Indiana E-Filing System (IEFS) and/or by United States mail, first-class postage prepaid, on this 11th day of August, 2020.

/s/ Jessica N. Hamilton

Jessica N. Hamilton

STATE OF INDIANA
COUNTY OF MARION

IN THE MARION SUPERIOR COURT 13
SITTING AT INDIANAPOLIS

MARGARET PAUL,

Plaintiff(s),

vs.

MENARD, INC.,

Defendant(s).

CAUSE NO: 49D13-2007-CT-023664

ORDER ON DEFENDANT'S
MOTION FOR EXTENSION OF TIME

THE COURT, being duly advised in the premises, now GRANTS Defendant's Motion for Extension of Time to answer Plaintiff's Complaint, up to, and including September 13, 2020.

SO ORDERED THIS ____ DAY OF **August 12, 2020**, 2020.



JUDGE, Marion Superior Court 13

Distribution to:

Phillip Olsson
Jessica N. Hamilton